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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

Administration of the
North American Numbering Plan

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CC Docket No. 92-237

To: The Commission

**COMMENTS OF NEXTEL COMMUNICATIONS, INC.
ON PETITIONS FOR CLARIFICATION OR RECONSIDERATION**

NEXTEL COMMUNICATIONS, INC.

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Date: September 27, 1995

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**COMMENTS OF NEXTEL COMMUNICATIONS, INC.
ON PETITIONS FOR CLARIFICATION OR RECONSIDERATION**

Pursuant to Section 1.429 of the Federal Communications Commission's ("Commission") Rules, Nextel Communications, Inc. ("Nextel") hereby files these Comments on the Petitions for Reconsideration or Clarification ("Petitions") filed in the above-referenced proceeding.¹/ The Petitions seek clarification or reconsideration of what role the states will have in the resolution of future telephone number allocation decisions.

As one of the largest providers of wide-area Specialized Mobile Radio ("SMR") services in the Nation, Nextel is an emerging entrant into the Commercial Mobile Radio Services marketplace. Like any new entrant, Nextel must obtain telephone numbers prior to initiating service in any market. Therefore, Nextel has been an

1/ On August 28, 1995, Petitions were filed by the National Association of Regulatory Utility Commissioners ("NARUC") and by Pennsylvania Public Utility Commission ("PPUC"), seeking clarification or reconsideration of part of the Commission's Report and Order, released July 13, 1995, in this proceeding.

active participant in this proceeding and a number of individual number exhaust proceedings.^{2/}

III. DISCUSSION

The Petitions filed herein seek clarification or reconsideration of the Commission's decision on the role of the States in the regulation of numbering resources. As the Petitioners point out, the Commission concluded that there is a role for the States in numbering proceedings.^{3/} However, the Petitioners claim that the Commission was not clear on the extent of the States' role in numbering decisions. In particular, the Petitioners argue that the Commission's conclusion encompassed oversight of Central Office ("CO") code assignments despite the fact that the Commission's Report and Order removed CO code administration from local exchange carriers.^{4/}

Nextel does not dispute that states should have a continued role in numbering allocation decisions and administration. State regulators should not be entirely preempted from the numbering allocation decisions that are best made with local knowledge and participation. For example, state regulators can most effectively mediate disputes over new area code boundaries when implementing a geographic split of an existing code. Similarly, state authorities are in the best position to determine which portion of an existing

^{2/} Nextel has participated or is participating in number exhaust proceedings in Chicago, Southern California, Connecticut, and Maryland, among others.

^{3/} NARUC Petition at p. 3; PPUC Petition at p. 4.

^{4/} Petition of NARUC at pp. 4-5; Petition of PPUC at p. 4.

area code should retain that code, and which portion should be given the new area code.

Despite the need for some state involvement in numbering resource decisions, Nextel urges the Commission to reiterate -- and exercise, where appropriate -- its plenary jurisdiction over the allocation of telephone numbers.^{5/} Consistent, uniform federal numbering guidelines are becoming more and more vital to the telecommunications marketplace as the market continues to expand with the entry of new providers, e.g., wide-area SMRs, competitive access providers, and Personal Communications Services ("PCS"). Uniformity becomes even more important as more and more of these new providers offer regional and nationally-based services. At the same time these new providers are entering the marketplace, numerous markets around the country are experiencing number exhausts due to the growth in fax machines, voice-mail services, and other enhanced telecommunications services.

The Commission should reassert its plenary jurisdiction in this proceeding, leaving to state regulators only those local issues which they are best-equipped to resolve. Without uniform federal numbering guidelines, carriers may be faced with protracted number exhaust proceedings in multiple states under varying standards. This would not only be time consuming and unnecessarily

^{5/} See Declaratory Ruling, The Need To Promote Competition and Efficient Use of Spectrum for Radio Common Carrier Services, 2 FCC Rcd 2910 (1987). See also Proposed 708 Relief Plan and 630 Numbering Plan Area Code by Ameritech - Illinois, IAD File No. 94-102, Petition For Clarification or Reconsideration of Comcast Corporation, filed February 22, 1995; Comments of Nextel in Support of Comcast Petition, filed March 9, 1995.

costly, but it would also hinder the deployment of competitive telecommunications services.

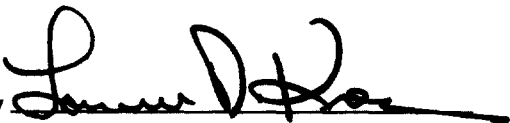
IV. CONCLUSION

The allocation of telephone numbers has been recognized by the Commission as an essential facility to participating in the telecommunications marketplace. As such, these numbers must be allocated to all carriers on a nondiscriminatory basis. To ensure that such allocations occur, and to ensure that telecommunications providers are not artificially prevented from participating and competing in the provision of these services, the Commission should recognize its plenary authority over the allocation and assignment of telephone numbers. The states should continue to play a role, however, in local decisions regarding telephone number assignment and administration in conformance with uniform federal guidelines,

including the policies to be adopted by the new North American
Numbering Council.

Respectfully submitted,

NEXTEL COMMUNICATIONS, INC.

By, 

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Date: September 27, 1995

CERTIFICATE OF SERVICE

I, Rochelle L. Pearson, hereby certify that on this 27th day of September 1995, caused a copy of the attached Comments of Nextel Communications, Inc. to be served by hand delivery or first class mail to the following:

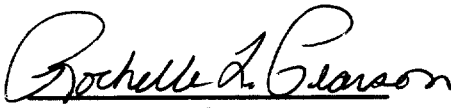
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